

MICHIGAN DEPARTMENT OF AGRICULTURE



RIGHT TO FARM PROGRAM

FISCAL YEAR REPORT 2004

ENVIRONMENTAL STEWARDSHIP DIVISION

Right to Farm

FY 2004 Report

The Right to Farm Program is administered through the Michigan Department of Agriculture (MDA) Environmental Stewardship Division and is devised of two parts, environmental complaint response and site selection and odor control for new and expanding livestock facilities.

The complaint response program began in 1986 and was initiated to address farm related environmental complaints received by MDA. Through this program, producers and complainants alike, receive education regarding Generally Accepted Agricultural and Management Practices (GAAMPs) as they relate to on-farm production agriculture and protection of the environment. The GAAMPs that have been developed are as follows:

- 1) 1988 Manure Management and Utilization
- 2) 1991 Pesticide Utilization and Pest Control
- 3) 1993 Nutrient Utilization
- 4) 1995 Care of Farm Animals
- 5) 1996 Cranberry Production
- 6) 2000 Site Selection & Odor Control for New/Expanding Livestock Facilities
- 7) 2003 Irrigation Water Use

Since June 2000, RTF practices for Site Selection and Odor Control at New and Expanding Livestock Facilities have been available. This new set of GAAMPs is designed to help producers carefully plan, site, build, and manage their new or expanding livestock facilities in a manner that protects natural resources, controls odors, and enhances neighbor relations. An overview of that portion of the RTF Program is provided in this report.

While the RTF Program includes complaint response activities that determine verified environmental problems, it is also a very effective mechanism for farmers to implement the necessary corrective management practices to fix those problems and earn nuisance protection. Work, coordination with other agencies, and RTF follow up inspections, track the progress of

farmers and document completion of projects that abate the source of the complaints. This follow through, after the initial on site inspection, assures compliance with environmental laws, rules, and regulations, which helps producers avoid future complaints.

Development and implementation of farm specific Manure Management System Plans, Site Selection Practices, and the distribution of thousands of RTF Practices to farmers all across the state, are important ways that the RTF program contributes to Michigan's overall pollution prevention strategy.

Right to Farm Program Environmental Complaint Response

FY 2004

In the 2004 fiscal year (FY) the Michigan Department of Agriculture (MDA) Right to Farm (RTF) Environmental Complaint Response Program responded to 121 new complaints received from the public, Michigan Department of Environmental Quality (MDEQ), and other agencies. Although the number of complaints has slightly decreased over the last few years, the RTF program has received requests for proactive inspections at facilities across the state. In addition, 102 follow up inspections were conducted during FY 2004.

Table 1. Total complaints per fiscal year

Fiscal Year	Total Complaints	Follow Up Inspections
FY 04	121	102
FY 03	127	162
FY 02	145	231
FY 01	157	135

During FY 2004, Right to Farm complaints came from 47 counties all across Michigan, the majority being concentrated in southwest Michigan and the Thumb area. Topping the list are Kalamazoo and Huron Counties with seven complaints each. Other counties recording a high number of complaints include St. Joseph, Allegan, and Ottawa with six each and Branch, Lenawee, Montcalm, and Newaygo each with five recorded complaints.

This report also includes a table of accomplishments with corrective practices grouped by the major resources of surface water, air quality, and groundwater, and the measurable results of each farmer's work to implement those practices. In addition, management plans are an effective way for producers to maintain those practices, sustain their farm operations, and prevent pollution.

Throughout this report, the numbers will indicate the total number of inspections completed based on complaints. In FY 04 those on site inspections that were conducted due to a proactive request by the producer have been included in the data generation. Beginning in FY 04, RTF

received five proactive inspection requests. Some of the charts, graphs, and tables may depict this data; however, if it is not specified it was not included.

In cases where, after an on site inspection, the complaint was not verified but the farm facility was not covered by a MMSP, the producer was asked to complete a plan. RTF staff then determined whether the producer was following all the GAAMPs that apply to their farm operation. This too will be shown separately in some of the charts, graphs, and tables.

Enterprise Type

In FY 2004, complaints regarding beef cattle rose from 15% of the complaints in FY '03, to 22%, second behind dairy. Equine related complaints declined from 18% in FY '03, to 12% in FY '04. Dairy complaints continue to be about one third of the total (31% in FY '04). However, the trend shows that dairy complaints have been declining, as the number of complaints per year have declined, and other livestock and crop complaints have increased.

Table 2. RTF complaints by enterprise type for fiscal years 2001 through 2004

Comparison of Complaints Between Enterprise Types (Percent)				
	2004	2003	2002	2001
Beef	22	15	14	11
By-Products ¹	5	2	3	3
Crops ²	9	6	4	6
Dairy	31	32	31	43
Equine	12	18	16	9
Poultry	6	6	8	8
Swine	12	13	14	13
Combination ³	3	8	10	7

As shown in Table 2, the largest portion of the complaints involved dairy farm operations. Out of 121 complaints in FY 2004, dairy farms accounted for 31% of the total, with beef second at 22%, and equine and swine accounting for 12% each, as illustrated in Table 3.

¹ By-products from fruit and vegetable food processing

² Crops refer to complaints concerning fertilizer, soil erosion, and crop production practices

³ Two or more species included in complaint

Figure 1. Number of Complaints by livestock type per fiscal year

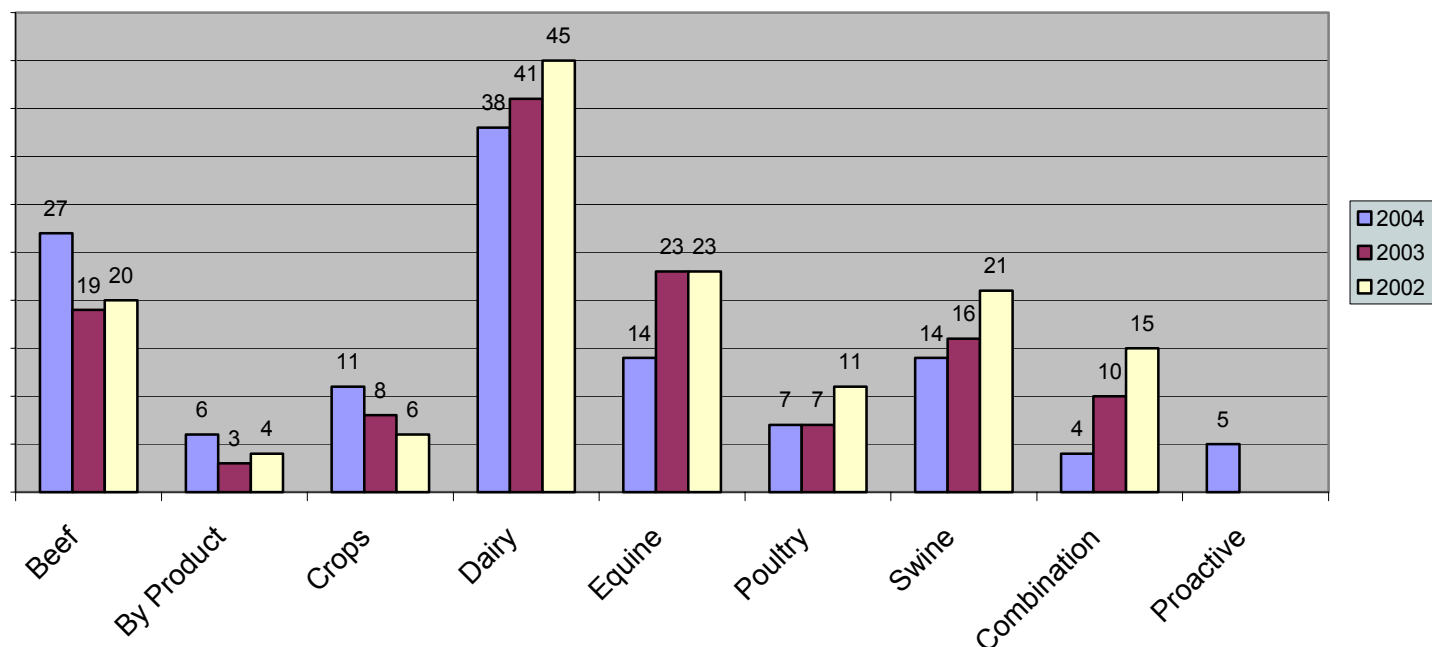


Table 3. Percent of complaints concerning major livestock types in FY 2004

Major Livestock Types	Total (Percent)
Beef	22
Dairy	31
Equine	12
Poultry	6
Swine	12

Resource Concerns

Table 4 shows the complaint types by resource concerns as a percentage of the total. Surface water and air quality consistently have been the top two complaint types. For the past four years, surface water made up 36%, 41%, 40%, and 42% of the resource concerns in that order.

Similarly, complaints concerning air quality made up 34%, 33%, 34%, and 39% of the total

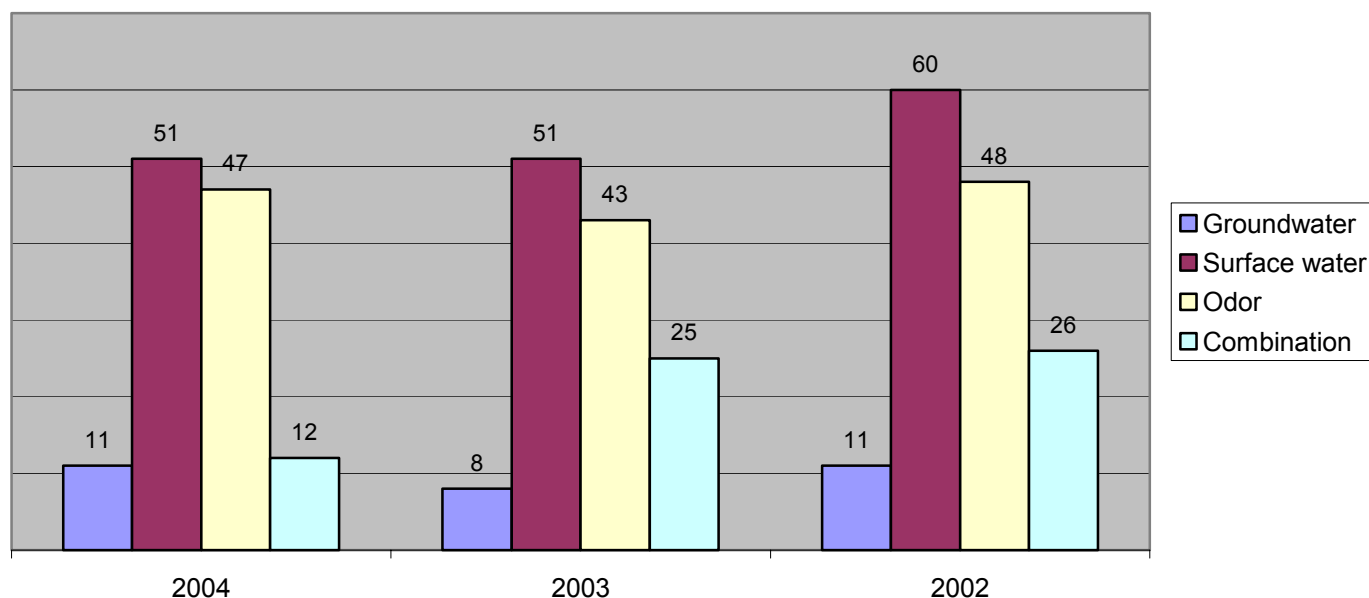
complaints over the same fiscal years. During this period, the percentage of combination complaints has ranged from 27% in FY 2001 to 10% in FY 2004.

Table 4. Environmental complaint concerns for fiscal years 2001 through 2004

Comparison of Complaints Types (Percent)				
	2004	2003	2002	2001
Air Quality	39	34	33	34
Groundwater	9	6	8	3
Surface Water	42	40	41	36
Combination ⁴	10	20	18	27

As shown in Figure 2 below, surface water continues to be the number one resource complaint (51 cases or 42% of the complaints), while air quality complaints follow closely at (47 cases or 39% of the complaints) in FY '04. Surface water complaints typically concern uncontrolled livestock access to streams, barnyard runoff to roadside ditches, and potential manure runoff from crop fields to drainage ditches. Air quality complaints usually involve excessive manure odors and sometimes include excessive flies and dust. Groundwater is a single resource concern in a small percentage of the complaints. Combination complaints often concern both surface water quality and air quality, and occasionally involve groundwater.

Figure 2. Number of complaints by resource type per fiscal year

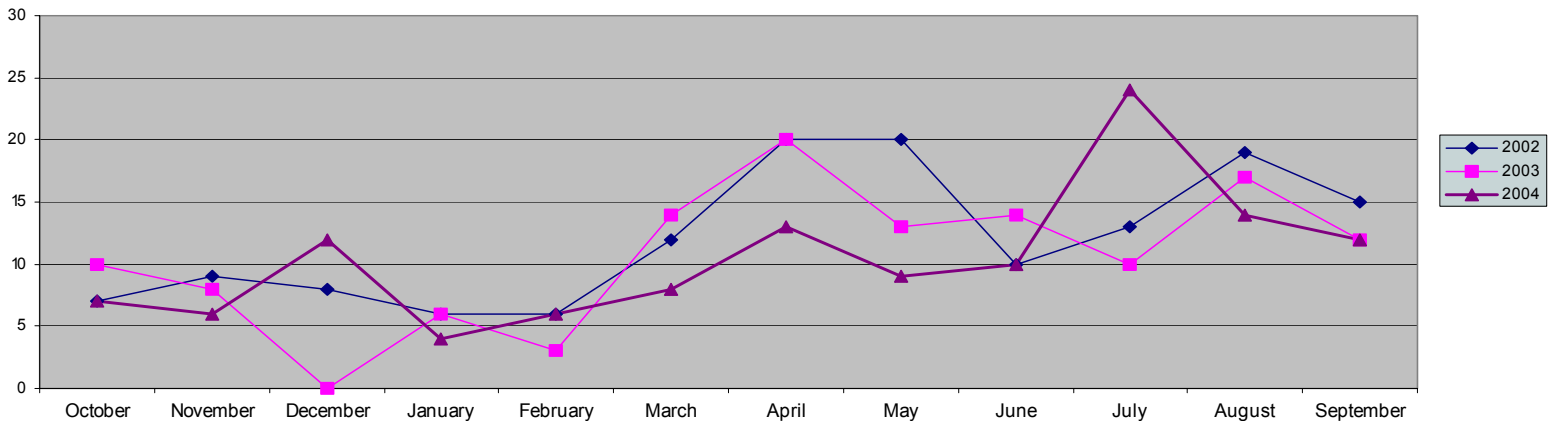


⁴ Two or more resource concerns cited in complaint

Annual Distribution of Complaints

The distribution in Figure 3 below shows the number of complaints per month and their variation over the course of the last three fiscal years.

Figure 3. Number of complaints by month per fiscal year



Some of these variations may have occurred due to seasonal or annual weather conditions, an increase in the general public's environmental awareness, more exposure of the Right to Farm program, or any combination of these.

Verified vs. Not-Verified Complaints

Figure 4 illustrates the pattern of increased verified complaints. Multiple factors, again, may explain this increase in verifications. Right to Farm inspections are more comprehensive and utilize a whole farm approach. This approach contributes to Michigan's pollution prevention strategy and will help farmers avoid future complaints. It should be noted, proactive inspections, as well as those complaints that were not verified but the farm facility was not covered by a Manure Management System Plan (MMSP), are detailed here as well. In past years, those complaints that were not verified, but the facility did not have a MMSP, would be counted as verified complaints.

Figure 4. Verified vs. non-verified complaints

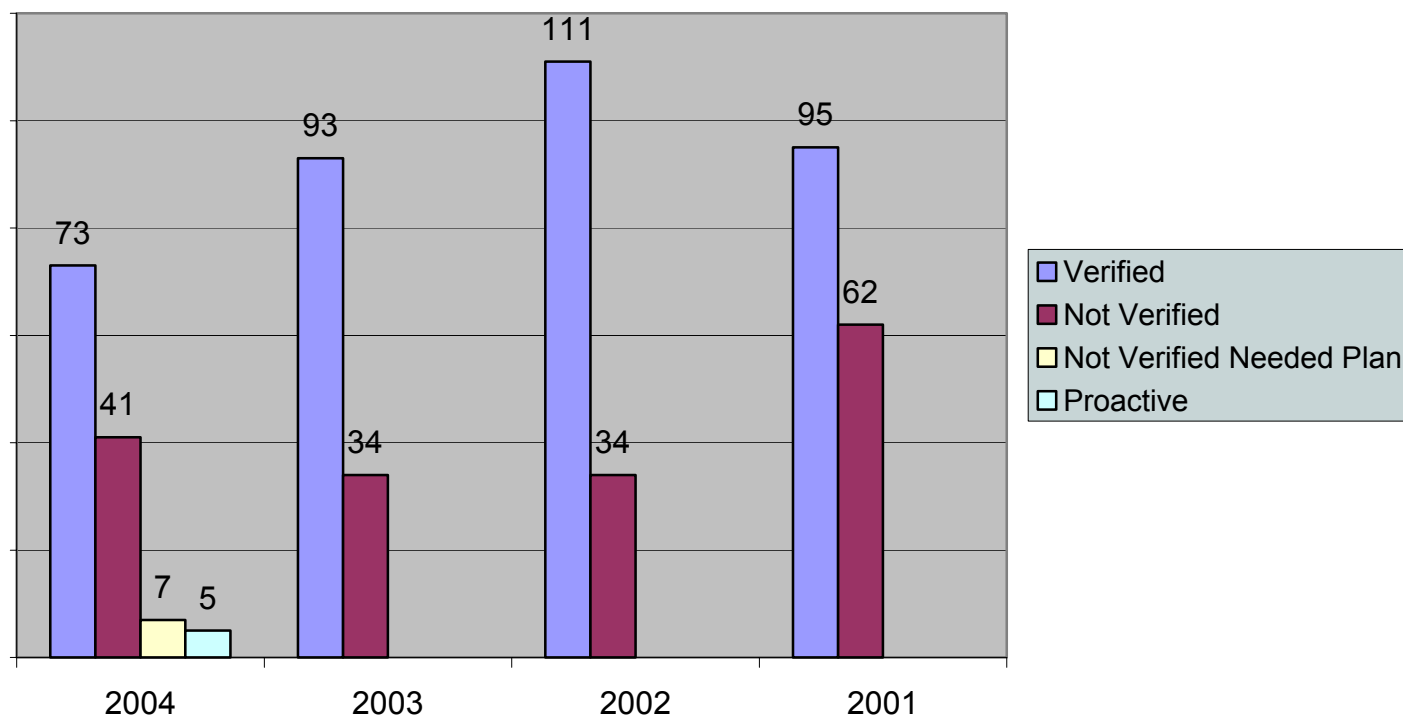


Table 5. Comparison of verified versus non-verified complaints per year

Fiscal Year	Verified versus Non-verified (Percent)
FY 04	60 : 34 (remaining 6% for NVNP)
FY 03	73 : 27
FY 02	77 : 23
FY 01	61 : 39

Complaint files classified as “**Not Verified**” are cases where the RTF investigation found that the conditions and activities observed at the farm and the documentation provided, demonstrate conformance to all GAAMPs that apply. MDA concluded that the complaint was not verified; and as such, the files were closed.

When complaints are verified, or further documentation is needed to determine conformance to the GAAMPs, then a MDA RTF follow-up inspection is conducted to review the effectiveness of those changes and the provisions of the farm’s plan. If the changes abated the source of the

complaint; and/or the required documentation is provided, then these cases are classified as “**Abated**”.

A complaint classified as “**Not Verified Needed Plan**” is a combination of the above. A specific complaint may not have been verified; however, the farm facility was not covered by a plan. Therefore, MDA requested that the farmer develop a plan for their farm facility.

Where Complaints Originate

Urban encroachment, suburban sprawl, residential housing growth and development, and increased awareness all contribute to the pattern depicted in Figure 5. The number of complaints referred from the Michigan Department of Environmental Quality increased from 28% in FY '03 to 35% in FY '04. Still, complaints from neighbors remain at the top of the list.

Figure 5. Number of complainants by fiscal year

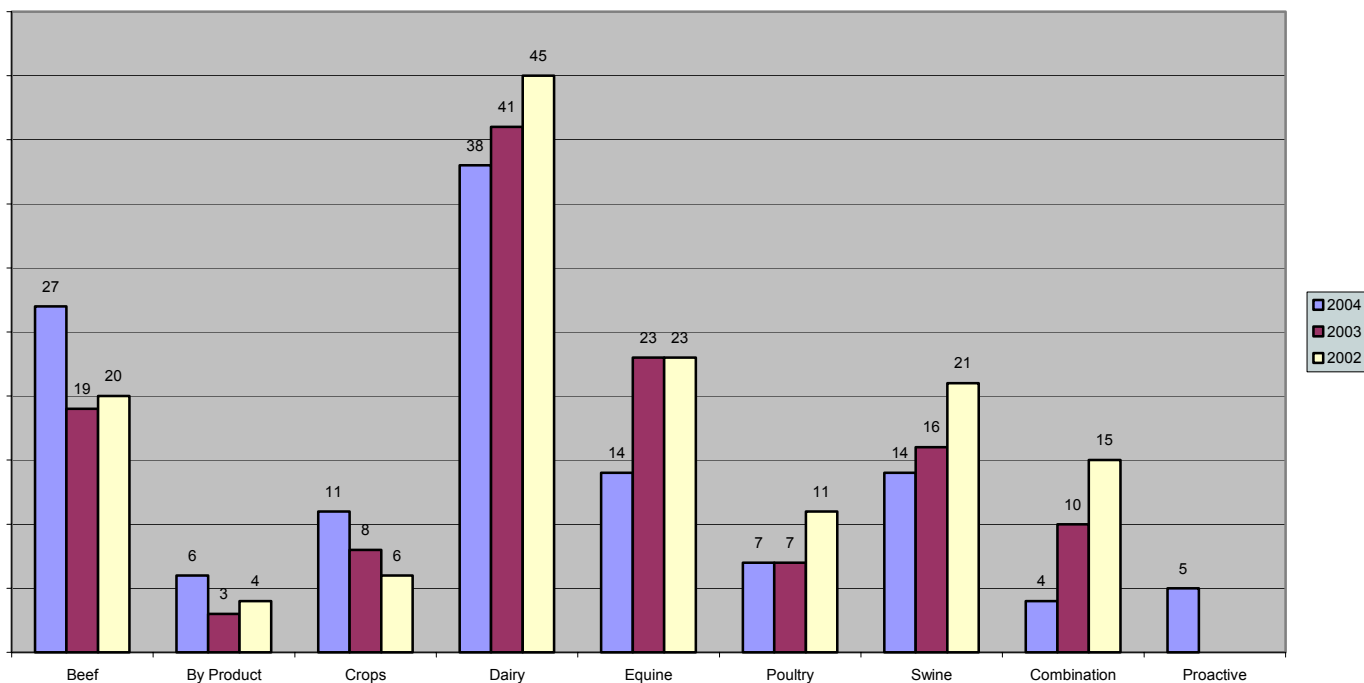


Table 6. Complainants in percentage by fiscal year

Fiscal Year	Total Complaints (Percent)		
	Neighbor	DEQ	Other
FY 04	59	35	6
FY 03	61	28	11
FY 02	68	29	3
FY 01	81	15	4

Accomplishments

The accomplishments outlined in the following table are the result of the cooperation and work from the people whose farms were identified in RTF complaints during FY 2004. These farmers utilized the RTF GAAMPs to implement effective management practices to manage manure and other nutrients and control odors on their farm operations.

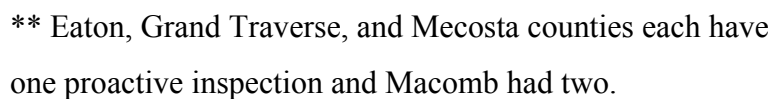
With assistance from Michigan State University Extension, local conservation districts, the USDA Natural Resources Conservation Service, and private sector plan writers, many farmers developed and implemented Manure Management System Plans (MMSP). The MMSPs on these farms are excellent management tools to manage manure and other nutrients, control odors, and prevent pollution.

The Right to Farm approach to investigate and resolve environmental complaints about activities and conditions on Michigan farms utilizes awareness, education, and technical assistance in partnership with other agencies. We advocate the sound environmental stewardship practices included in the GAAMPs. This is the most cost effective method for farmers to achieve compliance with environmental laws and earn nuisance protection under the RTF Act.

Table 7. Agricultural management practices implemented in response to RTF complaints

Corrective Practices	Results
Surface water quality protection	
Livestock excluded from surface water	563 Animal Units
Stream bank fencing installed	14701 feet
Controlled watering access sites installed	2
Vegetative buffer areas installed	2 Acres
Runoff Control/Groundwater Protection	
Runoff control structures installed	4
Number of farms that utilized stockpiled manure/by-products	13
Number of fields on which manure was incorporated	10
Number of soil tests received	17
Number of application records received	4
Change of management for runoff/leachate control in flood plain/wetland/sensitive areas	7
Pollution Prevention	
Manure Management System Plans (MMSP) or nutrient management plans developed and implemented	39
Animal Units Covered By Plans	12,302 Animal Units
Application Acres Covered By Plans	16,852 Acres
Proactive	
Proactive Inspections	5
Not Verified Complaints but facility was not covered by a MMSP	7

FY 2004 RTF



Right to Farm - Site Selection and Odor Control for New and Expanding Livestock Facilities

FY 2004

The Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities (Site Selection GAAMPs) were first adopted in June of 2000. Site Selection GAAMPs and the preemption of local ordinances regulating certain agricultural practices on agriculturally zoned property, were two major changes to the Michigan Right to Farm Act when it was amended in 1999. Since June 2000, the Site Selection GAAMPs have been utilized by dozens of producers in selecting the best site to construct a new facility or expand their existing facility.

The Site Selection GAAMPs verification process begins with a livestock producer, submitting to MDA, a verification request to construct a new or expand an existing livestock facility. The verification request consists of a detailed site plan, a Manure Management System Plan (MMSP), construction drawings and specifications, and the results of the Minnesota Odor Estimator Model for the proposed facility.

When the verification request is received, MDA sends a letter acknowledging receipt of the request; and a copy of this letter is sent to the township of the proposed site. After the verification request is thoroughly reviewed, MDA schedules and conducts a site visit to inspect the site and discuss the proposed project with the farmer. Upon completion of this process, if all of the conditions outlined in the Site Selection GAAMPs application checklist are being met, then MDA sends a letter to the livestock producer granting their verification request; and a copy of this letter is also sent to the township.

MDA may conduct interim inspections to ensure that approved construction standards are being met. When the project is completed, and before the new facility is populated with livestock, MDA will conduct a final inspection to verify the facility was constructed according to the approved verification request.

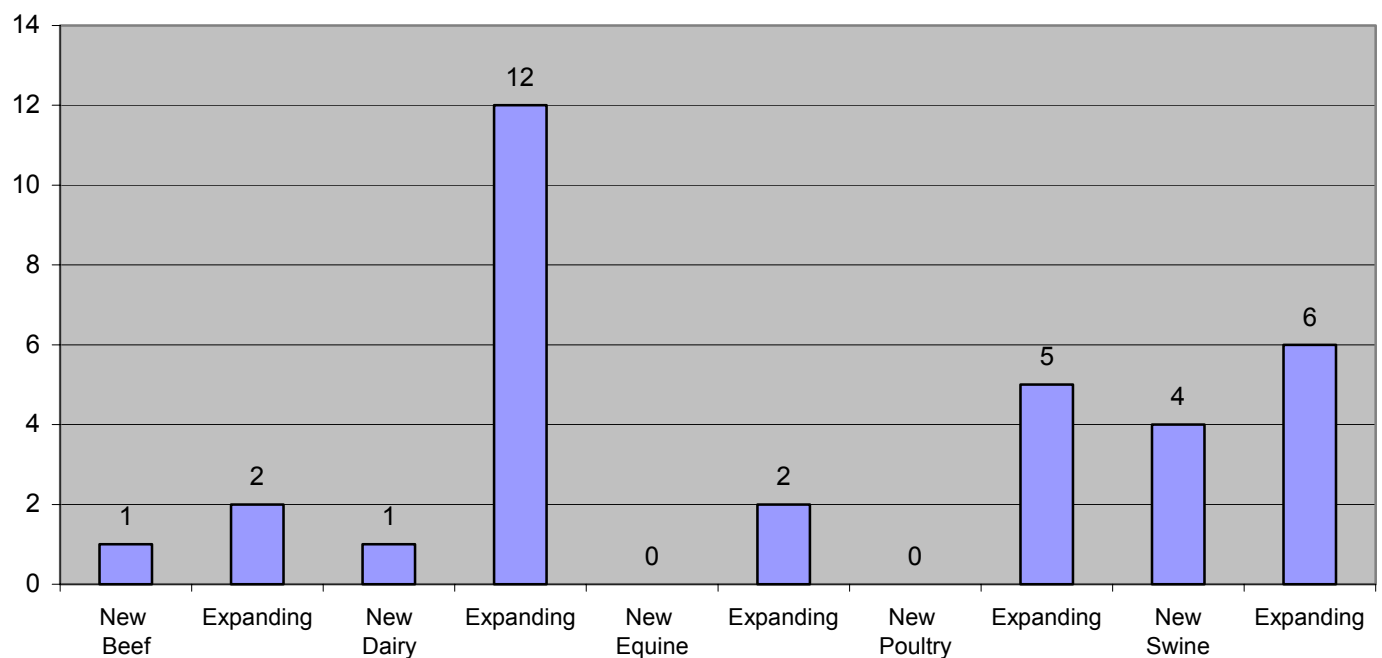
MDA received 33 verification requests in Fiscal Year 2004. Of the 13 verifications for dairy, twelve were for expansions and one for a new facility. Swine verifications included four new, and six expanding facilities; poultry had five expanding facilities, equine had two expanding facilities, and beef included one new and two expanding facilities.

Table 1 and Figure 1 show the number of verification requests by species and if they were new or expanding facilities.

Table 1.

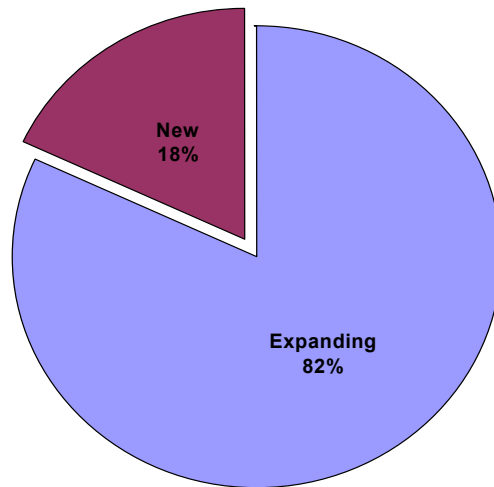
Dairy		Swine		Poultry		Beef		Equine	
Total = 13		Total = 10		Total = 5		Total = 3		Total = 2	
New	Expanding	New	Expanding	New	Expanding	New	Expanding	New	Expanding
1	12	4	6	0	5	2	1	0	2

Figure 1.



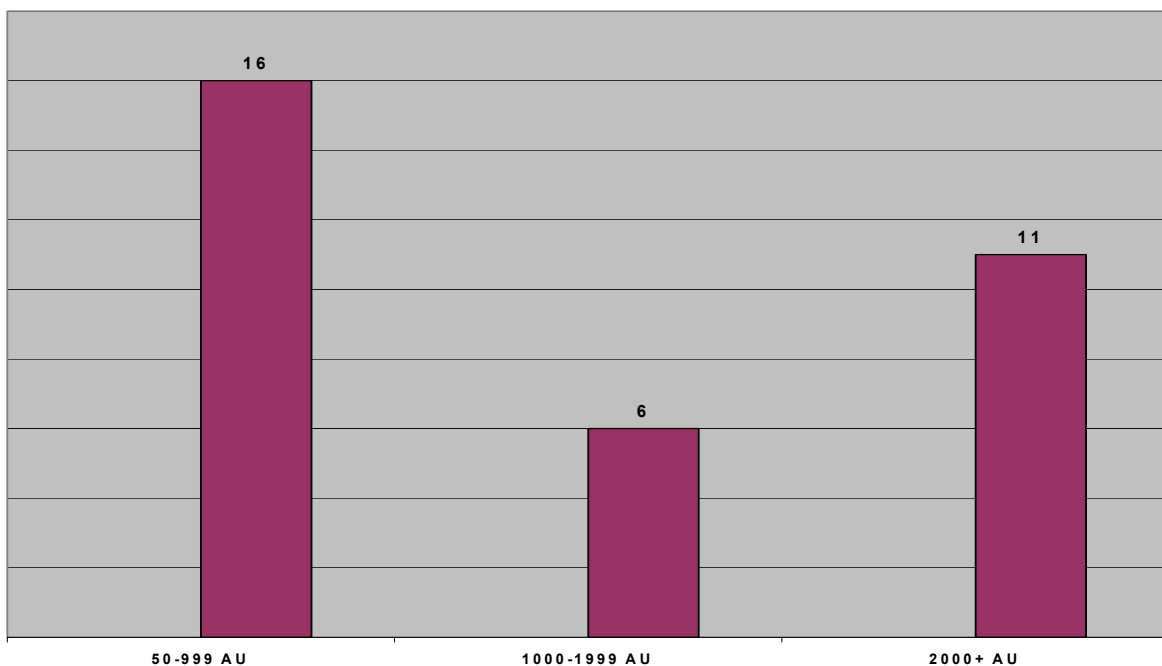
Out of the 33 verification requests, 27 were for expanding facilities and six were for new facilities. Figure 2 illustrates the percentage of new versus expanding facilities.

Figure 2. Verification Requests



Of the 33 verification requests, 16 requests were for 50-999 Animal Units (AU) facilities, six were for 1000-1999 AU facilities, and eleven were for 2000+ AU facilities as shown in Figure 3.

Figure 3. Verification Requests by Animal Units



Out of the 33 new verification requests, 16 were approved, 16 are pending, and one withdrawn. Nine verification requests that were received in the 2003 fiscal year were approved in the 2004 fiscal year. RTF staff conducted 24 initial inspections, 15 interim inspections, and 27 final inspections during the 2004 fiscal year.

With an expanding population, growing farms, and greater awareness by citizens and producers of environmental and social issues, site selection for new and expanding facilities is becoming an increasingly important tool to address potential impacts on the overall surrounding environment.

For further information regarding the Right to Farm program, please contact:

MICHIGAN DEPARTMENT OF AGRICULTURE

Environmental Stewardship Division

P.O. Box 30017

Lansing, Michigan 48909

1-877-632-1783

www.michigan.gov/mda